

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Dwayne Sims,

Plaintiff,

v.

Case No. 2:23-cv-4357

Judge James L. Graham

Magistrate Judge Jolson

Department of Rehabilitation and
Correction, et al.,

Defendants.

Order

This matter is before the Court on two Reports and Recommendations issued by the Magistrate Judge. In the first (doc. 11), the Magistrate Judge performed an initial screening under 28 U.S.C. § 1915A and recommended that plaintiff be allowed to proceed with his Eighth Amendment excessive-force claim against Defendant Major-Chief of Security John Doe,¹ in his individual capacity, for allegedly choking, slapping, and punching plaintiff; and his Eighth Amendment claims against Defendants Forley, Lindsay, Crabtree, and Beavers, in their individual capacities, for failing to intervene to protect plaintiff from Defendant Major-Chief of Security John Doe's alleged use of excessive force. The Magistrate Judge recommended that all other claims be dismissed.

In the second Report and Recommendation (doc 32), the Magistrate Judge recommended that plaintiff's motion for default judgment (doc. 18) be denied because defendants had timely answered.

No objections to either Report and Recommendation have been filed. Accordingly, the Reports and Recommendations (docs. 11 and 32) are hereby adopted, and plaintiff's motion for default judgment (doc. 18) is denied.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: October 23, 2023

¹ The John Doe defendant has since been identified as Major Jason Joseph.